



U.S. SENATE COMMITTEE ON

# Finance

SENATOR CHUCK GRASSLEY, OF IOWA - CHAIRMAN

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For Immediate Release

Monday, August 4, 2003

## Grassley Seeks Answers About Backlog in Whistleblower Cases

WASHINGTON – Sen. Chuck Grassley has asked the government lawyers charged with protecting whistleblowers to account for the recent doubling of the backlog of cases and to develop a plan of action to better manage cases.

In a letter sent today to the Office of Special Counsel, Grassley referred to a July 21, 2003, story in the Washington Post, which reported new figures indicating that hundreds of whistleblower complaints about waste, fraud and abuse in government are going unexamined.

Grassley has been a leading advocate for whistleblowers. In addition to championing individual cases, he was the principal Senate author of the whistleblower amendments to the False Claims Act in 1986 and a co-author of the Whistleblower Protection Act of 1989.

The primary role of the Office of Special Counsel is to protect employees, former employees and applicants for employment from prohibited personnel practices.

A copy of Grassley's August 4, 2003 letter follows here.

August 4, 2003

Mr. William E. Reukauf  
Acting Special Counsel  
Office of Special Counsel  
1730 M Street, NW  
Washington, DC 20036-4505

Dear Mr. Reukauf:

Recently, the *Washington Post* ran an article entitled, "Backlog of Whistleblower Cases Growing, Agency Report Says." The backlog at the Office of Special Counsel (OSC) has more than doubled in the past 18 months. I am greatly concerned about the state of affairs at OSC because throughout my oversight investigations over the years, whistleblowers have been the key, whether

it was uncovering \$700 toilet seats at the Defense Department, bad science at the FBI crime lab or the failure to prosecute millions of dollars in contract fraud. For nearly two decades, I have learned from, appreciated and honored whistleblowers for their heroic efforts. It is simply intolerable that whistleblower disclosures are not being promptly reviewed and resolved.

The OSC claims that “it provides a secure channel through its Disclosure Unit for federal workers to disclose information about various workplace improprieties, including a violation of law, rule or regulation, gross mismanagement and waste of funds, abuse of authority, or a substantial danger to public health or safety.” However, the *Washington Post* reported that “[a]s of June 30, there were 628 [whistleblower] cases awaiting review, two-thirds of which had been with the OSC for more than six months. . . .” Currently, it appears that OSC’s secure channel too frequently leads to a dead end.

Whistleblowers are national assets and at no time in our nation’s history has that been more apparent. Since September 11, 2001 government agencies have placed a greater emphasis on secrecy and restricted information for security reasons, understandably so in some cases. But, with these restrictions comes a greater danger of stopping the legitimate disclosure of wrongdoing and mismanagement, especially about public safety and security. Bureaucracies have an instinct to cover up their misdeeds and mistakes, and that temptation is even greater when a potential security issue can be used as an excuse. Whistleblowers serve as a check against this instinct and temptation. It is becoming increasingly clear that whistleblowing is crucial to the protection of the national security.

The OSC recognizes the importance of national security whistleblowers because its FY2002 annual report to Congress stated upfront:

Over the last year, in the wake of the tragic events of September 11, 2001, our nation and its leaders have devoted increasing attention to issues of national security and public safety. Federal employees, of course, are on the front lines of these efforts, and are often in the best position to identify security and safety risks. . . . [I]n these challenging times, OSC’s mission to provide a safe channel for whistleblower disclosures, and to prevent whistleblower retaliation, has become even more important, both to protecting safety and security, and to maintaining public confidence in our government’s most vital operations.

Furthermore, the FY2002 annual report states that the backlog of cases has been a primary management goal at OSC. However, OSC’s recognition of the importance of national security whistleblowers and establishment of a management goal targeting the backlog appears to be mere lip service to a matter of the utmost importance. For all intents and purposes, OSC appears to have abdicated its duties on behalf of whistleblowers.

The problems at OSC must be addressed immediately. Accordingly, I request that my oversight and investigation staff on the Finance Committee receive a full briefing from OSC about the reason(s) behind the recent doubling in the backlog in OSC’s Disclosure Unit. In addition, I request a plan of action from OSC that will significantly reduce the backlog in the short term and identify and address systematic weaknesses to prevent a backlog in the future. Finally, I would

appreciate any and all information that can be provided in advance of the briefing regarding the depth and scope of “pre-screening” that has already been conducted on the backlog of cases, including the various categories into which the case mix of disclosures fall.

Thank you for your attention to this critically important matter and for scheduling the aforementioned briefing by August 13, 2003. Please do not hesitate to contact me if you have any concerns. Your staff may contact Mr. Dan Donovan, Investigative Counsel, at (202) 224-4515 with any information.

Sincerely,

Charles E. Grassley  
Chairman

cc: Mr. Travis Elliott  
Director, Legislative & Public Affairs